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| 10/661,585 | 09/15/2003 | Dimitar Danev | 028987.52515US | 8044 |

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| EXAMINER |
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GARCIA, ERNESTO

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| ART UNIT | PAPER NUMBER |
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3679

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/661,585

Applicant(s)

DANEV, DIMITAR

Examiner

Ernesto Garcia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 4, 10 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 11-23 and 25-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/27/4 and 9/15/3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election

This application contains claims directed to the following patentably distinct species of the claimed invention:

- I. Figures 2-6.
- II. Figure not shown (at least two mutually spaced projection pin arranged on two separate base plates; claim 2).

Figure 1 is generic to both species.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include

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all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Mr. Donald D. Evenson on January 28, 2005 a provisional election was made with ^{oral} traverse to prosecute the invention of species I, claims 1-3, 5-9, 11-23, and 25-40. Applicant in replying to this Office action must make affirmation of this election. Claims 4, 10 and 24 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Drawings

The drawings are objected to because a bracket must enclose the parts in the exploded view of Fig. 4. See 37 CFR 1.84(h)(1). Figures 4 and 5 are objected to

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because the features 11 and 11a in Figure 4 are too wide to be similar to those shown in Figure 5. Figure 2 needs to clearly show the interior surface 40 being eccentric in respect to the outer surface 41 since the interior surface is shown cylindrically (see paragraph 027 of the specification).

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the examiner does not accept the changes to the drawing figure(s), applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

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Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

Claim Objections

Claims 1-3, 8-10, 11, 17, and 33 are objected to because of the following informalities:

regarding claim 1, "openings" in line 9 should be --an opening-- as the at least one pin is only guidable through at least one opening and not through all the openings of the second component, and "a" in line 12 should be deleted;

regarding claim 2, "ones of said" should be deleted, and "a common" in line 3 should be --the-- as the plate is the same plate recited in line 4 of claim 1;

regarding claim 3, "each" in line 1 should be --the--;

regarding claims 8-10, "elongated" in line 3 should be deleted as "an elongated sleeve" has not been previously recited;

regarding claim 11, "pins" in line 2 should be deleted as a plurality of pins has not been previously recited in claims 1 and 8;

regarding claim 17, --the-- should be inserted after "which" to make reference to the previously recited collar sections; and,

regarding claim 33, --a-- needs to be inserted after "including" in line 3, "profiled" in line 6 needs to be --profiled--, and "openings" in line 7 should be --an--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the limitation "a first component" in line 4 and "a second component" in line 6 makes unclear whether these are different components than those recited in line 1 or the same components. For purposes of examination, the examiner has considered the components being the same.

Regarding claims 2-32, the claims depend from claim 1 and therefore are indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 21, 22, 31, and 33-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Switzerland patent, CH-444414 (see marked-up attachment).

Regarding claim 1, the Switzerland patent, discloses, in Figures 1-5, a releasable connection between two adjoining body shell part components, comprising a first component **4** and a second component **3**. The releasable connection comprises the first component **4**, the second component **3**, at least one base plate **2**, and a receiving device **1**. The base plate **2** is held in use in position on a first component **4** and has at least one projection pin **7**. The receiving device **1** is fastened to the second component **3** and has a rotatable slotted sleeve part **8**. An end-side profiled head section **7d** of the projection pin **7** is guidable through an opening **A8** of the second component **3**, an opening **A18** of the receiving device **1** and an opening **9** of the sleeve part **8**. Fastening of the first component **4** and the second component **3** with respect to one another takes place as a result of radial rotation of the sleeve part **8**.

Regarding claim 2, the releasable connection comprises at least two mutually spaced projection pins **7**, arranged on the base plate **2** or on two separate base plates.

Regarding claims 21 and 22, at least one face-side end of the sleeve part **8** is closed by a wall **10**. A narrow longitudinal slot **A11** is provided at the wall **10**.

Regarding claim 31, the sleeve part **8** has an eccentric construction.

Regarding claim 33, given the structure in the Switzerland patent above, the method of making a vehicle body assembly is inherently performed. Therefore, the method comprises:

fasten a base plate on a first body shell component; the base plate includes a projecting pin,

fasten a receiving device to a second body shell component, said receiving device having a rotatable slotted sleeve part;

guide an end-side profiled head section of the projecting pin through an opening of the second component, the receiving device and the sleeve part; and,

rotate the sleeve part by a predetermined angle of rotation to thereby fasten the first and second component together.

Regarding claims 34-36, at the outset, it should be noted that in method claims, it is the patentability of the method steps, not the recited structure, that is to be determined. Structure not affected in the manipulation sense is given no patentable weight.

Claims 1, 2, 5, 6, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by German patent, DE-3,145,825.

Regarding claim 1, the German patent, discloses, in Figures 1-5, a releasable connection between two adjoining body shell part components **2**, **5** comprising a first component **21** and a second component **16**. The releasable connection comprises the first component **21**, the second component **16**, at least one base plate **22**, and a receiving device **1**. The base plate **22** is held in use in position on a first component **21** and has at least one projection pin **18**. The receiving device **1** is fastened to the second component **16** and has a rotatable slotted sleeve part **7**. An end-side profiled head section **17** of the projection pin **18** is guidable through an opening **19** of the second component **16**, an opening **4** of the receiving device **1** and an opening **10** of the sleeve part **7**. Fastening of the first component **21** and the second component **16** with respect to one another takes place as a result of radial rotation of the sleeve part **7**.

Regarding claim 2, the releasable connection comprises at least two mutually spaced projection pins **7** arranged on the base plate **2** or on two separate base plates.

Regarding claims 5 and 6, the base plate **22** rests on a side of the first component **21** which faces away from the second component **16**. The projection pin **18** projects through an opening **20** of the first component **21**.

Regarding claim 25, at least one face-side end of the sleeve part **7** is closed by a wall (**11** rests on this wall). A narrow longitudinal slot **11** is provided at the wall.

Allowable Subject Matter

Claims 3, 7- 9, 11-13, 15-20, 23, 27-30 and 32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 3, the prior art or record does not disclose or suggest a releasable connection between two adjoining body shell part components, comprising a base plate held in position on a first component by way of a snap-on connection;

regarding claims 7 and 23, these claims depend from claim 3;

regarding claims 8 and 9, the prior art of record does not disclose or suggest a releasable connection between two adjoining body shell part components, comprising a receiving device having two mutually spaced receiving sections connected with a web of the receiving device;

regarding claims 11-13, 15-20, 27-30, and 32, these claims directly or indirectly depend from claim 8;

regarding claim 37, the prior art of record does not disclose or suggest a method comprising fastening a base plate on a first body shell component including snap

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fittingly connecting respective parts of the first body shell component to respective mating parts of the base plate;

regarding claims 38, the prior art of record does not disclose or suggest a method comprising fastening a receiving device to a second body shell component including snap fittingly connecting respective parts at the second body shell component to respective mating parts of the receiving device; and,

regarding claims 39 and 40, these claims directly or indirectly depend from claim 37.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 703-308-8606. The examiner can normally be reached from 9:30-6:00. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EJ.

Daniel P. Stodola

E.G.

February 1, 2005

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Attachment: one marked-up page of Switzerland Patent, CH-444,414

FIG. 2